

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DAMEN D. RABB,

Plaintiff,

v.

CABRERA, *et al.*,

Defendants.

Case No. 1:23-cv-01014-KES-BAM (PC)

ORDER LIFTING STAY OF PROCEEDINGS  
(ECF No. 29)

ORDER DIRECTING CLERK OF COURT TO  
ISSUE DISCOVERY AND SCHEDULING  
ORDER AND CONSENT/DECLINE FORM

Plaintiff Damen D. Rabb (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Cabrera for failure to protect in violation of the Eighth Amendment.

On March 26, 2024, the Court set this case for a settlement conference and stayed the action to allow the parties an opportunity to settle their dispute. (ECF No. 29.) As the case did not settle, (ECF No. 36), the Court finds it appropriate and necessary to lift the stay. This case is now ready to proceed.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. The stay of this action, (ECF No. 29), is LIFTED;
2. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order and a consent/decline form to the parties; and

3. The parties may proceed with discovery pursuant to the discovery and scheduling order to be issued by separate order.

IT IS SO ORDERED.

Dated: August 7, 2024

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE